REMARKS/ARGUMENTS

1.) Withdrawal of Prior Claim Rejections

The Applicants thank the Examiner for his acceptance of Applicants' previously-submitted arguments traversing the rejection of the claim as obvious over Harris, *et al.* (US 6,507,243) in view of Dean, *et al.* (US 5,839,052) and Haataja, *et al.* (Pub No. US 2002/0149518). In the present Office Action, the Examiner has introduced Mu, *et al.* (US 6,424,216) as his primary reference, rejecting the claims in view of Harris and Haataja. The Applicants, again, traverse the rejections.

2.) Claim Rejections – 35 U.S.C. §103(a)

The Examiner rejected claims 1 and 13-27 as being unpatentable over Mu, *et al.* (US 6,424,216) in view of Harris, *et al.* (US 6,507,243), and claims 2-12 over Mu in view of Harris and further in view of Haataja, *et al.* (Pub. No. US 2002/0149518). The Applicants traverse the rejections.

Claim 1 recites:

> 1. A method for compensating a data-dependency of a power measurement, the data dependency being caused by linear modulation, the method comprising:
> performing a first measurement of a transmitted output power;
> performing a second measurement of a reflected power, wherein the second measurement-is performed time multiplexed from the first measurement;
> calculating a first average power based on data transmitted during the first measurement;
> calculating a second average power based on data transmitted during the second measurement; and
> compensating at least one of the first measurement and the second measurement based on a difference between the first average power and the second average power. (emphasis added).

As described at page 2 of Applicants' specification, linear modulation techniques insert large variations in output power depending on the sequence of data which are transmitted. In such cases, the measurement of the output power and reflected power does not lead to reliable results, due to the data dependency of the output power. The

Applicants invention solves this problem by compensating for the data-dependency of the power measurements. Mu fails to address the problem.

The Examiner asserts that Mu teaches a method for compensating a data-dependency of a power measurement, including "determining a first average power based on data comprised within the output signal and transmitted during the first measurement (see figure 1, detector 62, col. 4, ln. 58-67)" and "determining a second average power based on data comprised within the output signal and transmitted during the second measurement (see figure 1, detector 64, col. 5, ln. 1-12)."[1] Although the portions of Mu referenced by the Examiner discuss detecting output powers and reflected powers, which might read on the first two limitations of claim 1, the Examiner points to no teaching of Mu relating to calculating average powers based on data transmitted during the measurement of such output or reflected powers, as recited in the third and fourth limitations of claim 1. Whereas, according to Applicants' claimed invention, at least one of the measured transmitted and reflected output powers are compensated as a function of the difference between the calculated average powers, it is apparent that the measured and calculated powers refer to different things. Accordingly, the Examiner's reliance on the mere discussion by Mu of output and reflected powers is insufficient to encompass all of those limitations of claim 1. Accordingly, the Examiner has failed to establish a *prima facie* case of obviousness of claim 1.

Whereas independent claims 18, 20, 23, 26 and 27 recite limitations analogous to those of claim 1, the Examiner has also failed to establish a *prima facie* case of those claims. Furthermore, whereas claims 2-17, 19, 21-22 and 24-25 are dependent from claims 1, 18, 20 and 23, respectively, and include the limitations thereof, they are also not obvious over Mu in view of Harris or Haataja.

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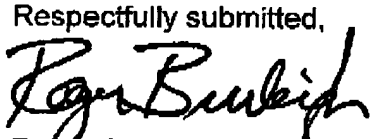
[1] It should be noted that the Examiner does not accurately recite Applicants' claim limitations. The Applicants' claimed invention does not "determine" average powers, but "calculates" them. Other inaccurate representations of Applicants' claim limitations are made by the Examiner, but a recitation thereof is not necessary to the basis of Applicants' arguments.

CONCLUSION

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-27.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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